

PRYOR & MANDELUP, L.L.P.  
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11-3261335  
trp-8545  
cg-1453

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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In re:

THE TIFFEN COMPANY, LLC., et al.,

Case Nos. 803-81231-478 (DTE)  
803-82765-478 (DTE)  
803-84721-478 (DTE)  
803-84723-478 (DTE)  
803-84722-478 (DTE)  
(Substantively Consolidated)

Debtors.

Chapter 7

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ROBERT L. PRYOR,  
Chapter 7 Trustee of the bankruptcy estate  
of The Tiffen Company, LLC, et al.

Adv. Pro. No.: \_\_\_\_\_

Plaintiff,

**COMPLAINT**

-against-

CUSTOM METAL CRAFTERS,

Defendant.

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Plaintiff, Robert L. Pryor, the Chapter 7 trustee (the "Trustee") of the bankruptcy estate of The Tiffen Company, LLC, et al., the above-captioned debtors (the "Debtors"), by and through his attorneys, Pryor & Mandelup, L.L.P., as and for his complaint (the "Complaint") against CUSTOM METAL CRAFTERS, the above captioned defendant (the "Defendant"), hereby alleges as follows:

**JURISDICTION, VENUE AND STATUTORY PREDICATES**

1. This is an adversary proceeding brought by the Trustee pursuant to 11 U.S.C. §547(b), 550(a) and Rule 7001(1) of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"). The Trustee seeks: (i) judgment against the Defendant avoiding as preferences certain pre-

petition Transfers (as defined herein) by the Debtors to or for the benefit of the Defendant, and (ii) judgment against the Defendant in an amount not less than the aggregate value of the Transfers, together with interest thereon from the dates thereof.

2. This Court has jurisdiction over this adversary proceeding pursuant to 28 U.S.C. §§ 157(b)(1) and 1334, and the Standing Order of Referral of Cases to Bankruptcy Judges entered in the United States District Court for the Eastern District of New York.

3. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A) and (F). If the Court determines that any cause of action set forth herein does not constitute a core proceeding, then, with respect to same, the Trustee consents to the Court issuing final findings of fact and conclusions of law pursuant to Rule 7052(a) of the Bankruptcy Rules.

4. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1409(a).

#### **DEFENDANT**

5. Upon information and belief, Defendant is a corporation duly organized and existing under the laws of its state of incorporation, with the principal business address of 815 NORTH MOUNTAIN RD, NEWINGTON, CT 06111.

#### **BACKGROUND**

6. On February 28, 2002 (the "Petition Date"), the Debtors filed with the Clerk of this Court voluntary petitions for relief under Chapter 11 of Title 11, United States Code, 11 U.S.C. § 101 *et seq.*, as amended (the "Bankruptcy Code").

7. By order dated August 5, 2003, the Bankruptcy Court substantively consolidated the Debtors' Chapter 11 cases (the "Consolidated Chapter 11 Cases").

8. By order dated June 8, 2004, the Bankruptcy Court converted the Consolidated Chapter 11 Cases to consolidated cases under Chapter 7 of the Bankruptcy Code (the "Consolidated Chapter 7 Cases").

9. On June 8, 2004, the Trustee was appointed.

**FIRST CAUSE OF ACTION**

**AVOIDANCE OF TRANSFERS  
11 U.S.C. § 547(b)**

10. The Debtors reallege each allegation contained in paragraphs "1" through "9" hereof.

11. Upon information and belief, the following amounts were transferred (collectively, the "Transfers," and each a "Transfer") by the Debtors to or for the benefit of the Defendant within ninety (90) days prior to the Petition Date: (i) 12/2/02 in the amount of \$1,108.50.

12. Upon information and belief, the Transfers were made for or on account of an antecedent debt or debts owed by the Debtors to the Defendant before such Transfers were made.

13. Upon information and belief, the Transfers were made while the Debtors were insolvent.

14. Upon information and belief, the Transfers enabled the Defendant to receive more than it would have received if the Consolidated Chapter 11 Cases were cases under Chapter 7 of the Bankruptcy Code; the Transfers had not been made; and the Defendant received payment of its debt to the extent permitted under the Bankruptcy Code.

15. By reason of the foregoing, the Trustee is entitled to judgment avoiding the Transfers in their entirety.

**SECOND CAUSE OF ACTION**

**RECOVERY OF PREFERENCES  
11 U.S.C. § 550**

16. The Trustee realleges each allegation contained in paragraphs "1" through "15" hereof.

17. Pursuant to section 550(a) of the Bankruptcy Code, applicable to the allegations set forth hereinabove, the Trustee is entitled to judgment against the Defendant in the aggregate amount of the Transfers, plus interest thereon calculated from the date of each Transfer.

**WHEREFORE**, the Trustee demands judgment against the Defendant as follows:

A. ON THE FIRST CAUSE OF ACTION: avoiding the Transfers in their entirety as preferences pursuant to section 547(b) of the Bankruptcy Code; and

B. ON THE SECOND CAUSE OF ACTION: awarding the Trustee, pursuant to section 550(a) of the Bankruptcy Code, a total of \$1,108.50, representing the aggregate amount of the Transfers, plus interest thereon from the dates thereof; and

C. The costs and disbursements incurred by the Trustee in connection with the prosecution of this adversary proceeding; and

D. Such other and further relief as this Court deems just and proper.

Dated: Westbury, New York  
May 13, 2005

PRYOR & MANDELUP, L.L.P.  
Attorneys for the Chapter 7 Trustee

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